

AMENDED IN ASSEMBLY MARCH 21, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1941

Introduced by Assembly Member Nava

February 1, 2006

An act to amend ~~Section 2900 of~~ Sections 21460.5, 21750, and 42001 of, and to add Sections 21750.1 and 42002.1 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1941, as amended, Nava. ~~California Traffic Safety Program. Vehicles: bicycles.~~

(1) Under existing law a driver of a vehicle overtaking another vehicle or a bicycle proceeding in the same direction is required to pass to the left at a safe distance without interfering with the safe operation of the overtaken vehicle or bicycle, subject to certain limitations and exceptions. A violation of this provision is an infraction punishable by a fine not exceeding \$100 for a first conviction, and up to a \$250 fine for a 3rd and subsequent conviction occurring within one year of 2 or more prior infractions.

This bill would recast this provision as to overtaking a bicycle by requiring the driver of a motor vehicle overtaking a bicycle that is proceeding in the same direction to pass to the left at a safe distance, at a minimum clearance of 3 feet, without interfering with the safe operation of the overtaken bicycle. The bill would make a violation of this provision an infraction punishable by a \$250 fine. The bill would make it a misdemeanor or felony if a person operates a motor vehicle in violation of the above requirement and that conduct proximately

causes great bodily injury, as defined, or death to the bicycle operator.

Because this bill would create a new crime and would expand the scope of an existing crime, this bill would impose a state-mandated local program.

(2) Under existing law, a person may not operate a vehicle by driving in a designated 2-way left-turn lane, as described, except when preparing for or making a left turn from or into a highway or when preparing for or making a U-turn when otherwise permitted by law.

This bill would additionally allow a person to drive a vehicle in a designated 2-way left-turn lane when overtaking and passing a bicycle in order to comply with the driving requirements described in (1).

(3) This bill would also make certain technical, conforming changes.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law provides for the California Traffic Safety Program in state government, which provides for, among other things, the surveillance of traffic for detection and correction of high or potentially high accident locations.~~

~~This bill, instead, would provide for the surveillance of traffic for identification and correction of high or potentially high accident locations.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 21460.5 of the Vehicle Code is amended*
2 *to read:*

3 21460.5. (a) (1) The Department of Transportation and local
4 authorities in their respective jurisdictions may designate a
5 two-way left-turn lane on a highway. **A**

1 (2) A two-way left-turn lane is a lane near the center of the
2 highway set aside for use by vehicles making left turns in both
3 directions from or into the highway.

4 (b) Two-way left-turn lanes shall be designated by distinctive
5 roadway markings consisting of parallel double yellow lines,
6 interior line dashed and exterior line solid, on each side of the
7 lane. The Department of Transportation may determine and
8 prescribe standards and specifications governing length, width,
9 and positioning of the distinctive pavement markings. All
10 pavement markings designating a two-way left-turn lane shall
11 conform to the Department of Transportation's standards and
12 specifications.

13 (c) (1) A vehicle shall not be driven in a designated two-way
14 left-turn lane except ~~when~~ *as follows*:

15 (A) *When preparing for or making a left turn from or into a*
16 *highway or when.*

17 (B) *When preparing for or making a U-turn when otherwise*
18 *permitted by law, and shall.*

19 (C) *When overtaking and passing a bicycle in order to comply*
20 *with Section 21750.1.*

21 (2) *A vehicle shall not be driven in ~~that~~ the lane described in*
22 *paragraph (1) for more than 200 feet while preparing for and*
23 *making the turn or, while overtaking and passing a bicycle, or*
24 *while preparing to merge into the adjacent lanes of travel.*

25 (3) A left turn or U-turn shall not be made from any other lane
26 where a two-way left-turn lane has been designated.

27 (d) This section does not prohibit driving across a two-way
28 left-turn lane.

29 (e) Raised pavement markers may be used to simulate the
30 painted lines described in this section when those markers are
31 placed in accordance with standards established by the
32 Department of Transportation.

33 *SEC. 2 Section 21750 of the Vehicle Code is amended to*
34 *read:*

35 21750. The driver of a vehicle overtaking another vehicle ~~or~~
36 ~~a bicycle~~ proceeding in the same direction shall pass to the left at
37 a safe distance without interfering with the safe operation of the
38 overtaken vehicle ~~or bicycle~~, subject to the limitations and
39 exceptions hereinafter stated.

1 *SEC. 3 Section 21750.1 is added to the Vehicle Code, to*
2 *read:*

3 21750.1. (a) (1) *The driver of a motor vehicle overtaking a*
4 *bicycle proceeding in the same direction shall pass to the left at*
5 *a safe distance, at a minimum clearance of three feet, without*
6 *interfering with the safe operation of the overtaken bicycle.*

7 (2) *A violation of paragraph (1) is an infraction punishable by*
8 *a fine of two hundred fifty dollars (\$250).*

9 (b) *Whenever a person operates a motor vehicle in violation of*
10 *subdivision (a) and that conduct proximately causes great bodily*
11 *injury, as defined in Section 12022.7 of the Penal Code, or death*
12 *to the bicycle operator, the person driving the motor vehicle,*
13 *upon conviction, is punishable by imprisonment in the county jail*
14 *or in state prison.*

15 *SEC. 4 Section 42001 of the Vehicle Code is amended to*
16 *read:*

17 42001. (a) ~~Except as provided in subdivision (e) of Section~~
18 ~~21464, or Section 42000.5, 42001.1, 42001.2, 42001.3, 42001.5,
19 ~~42001.7, 42001.8, 42001.9, 42001.11, 42001.12, 42001.13,
20 ~~42001.14, 42001.15, 42001.16, or subdivision (a) of Section~~
21 ~~42001.17, Section 42001.18, or Section 42001.20, or subdivision~~
22 ~~(b), (c), or (d) of this section, or Article 2 (commencing with~~
23 ~~Section 42030), every this code, a person convicted of an~~
24 ~~infraction for a violation of this code or of any a local ordinance~~
25 ~~adopted pursuant to this code shall be punished as follows:~~~~~~

26 (1) ~~By a fine not exceeding one hundred dollars (\$100).~~

27 (2) ~~For a second infraction occurring within one year of a prior~~
28 ~~infraction which that resulted in a conviction, a fine not~~
29 ~~exceeding two hundred dollars (\$200).~~

30 (3) ~~For a third or any subsequent infraction occurring within~~
31 ~~one year of two or more prior infractions which that resulted in~~
32 ~~convictions, a fine not exceeding two hundred fifty dollars~~
33 ~~(\$250).~~

34 (b) ~~Every person convicted of a misdemeanor violation of~~
35 ~~Section 2800, 2801, or 2803, insofar as they affect failure to stop~~
36 ~~and submit to inspection of equipment or for an unsafe condition~~
37 ~~endangering any person, shall be punished as follows:~~

38 (1) ~~By a fine not exceeding fifty dollars (\$50) or imprisonment~~
39 ~~in the county jail not exceeding five days.~~

1 ~~(2) For a second conviction within a period of one year, a fine~~
2 ~~not exceeding one hundred dollars (\$100) or imprisonment in the~~
3 ~~county jail not exceeding 10 days, or both that fine and~~
4 ~~imprisonment.~~

5 ~~(3) For a third or any subsequent conviction within a period of~~
6 ~~one year, a fine not exceeding five hundred dollars (\$500) or~~
7 ~~imprisonment in the county jail not exceeding six months, or~~
8 ~~both that fine and imprisonment.~~

9 ~~(e)–~~

10 ~~(b) A pedestrian convicted of an infraction for a violation of~~
11 ~~this code or any local ordinance adopted pursuant to this code~~
12 ~~shall be punished by a fine not exceeding fifty dollars (\$50).~~

13 ~~(d)–~~

14 ~~(c) A person convicted of a violation of subdivision (a) or (b)~~
15 ~~of Section 27150.3 shall be punished by a fine of two hundred~~
16 ~~fifty dollars (\$250), and a person convicted of a violation of~~
17 ~~subdivision (c) of Section 27150.3 shall be punished by a fine of~~
18 ~~one thousand dollars (\$1,000).~~

19 ~~(e)–~~

20 ~~(d) Notwithstanding any other provision of law, any a local~~
21 ~~public entity that employs peace officers, as designated under~~
22 ~~Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2~~
23 ~~of the Penal Code, the California State University, and the~~
24 ~~University of California may, by ordinance or resolution,~~
25 ~~establish a schedule of fines applicable to infractions committed~~
26 ~~by bicyclists within its jurisdiction. Any A fine, including all~~
27 ~~penalty assessments and court costs, established pursuant to this~~
28 ~~subdivision shall not exceed the maximum fine, including~~
29 ~~penalty assessment and court costs, otherwise authorized by this~~
30 ~~code for that violation. If a bicycle fine schedule is adopted, it~~
31 ~~shall be used by the courts having jurisdiction over the area~~
32 ~~within which the ordinance or resolution is applicable instead of~~
33 ~~the fines, including penalty assessments and court costs,~~
34 ~~otherwise applicable under this code.~~

35 ~~SEC. 5. Section 42002.1 is added to the Vehicle Code, to~~
36 ~~read:~~

37 ~~42002.1. A person convicted of a misdemeanor violation of~~
38 ~~Section 2800, 2801, or 2803, insofar as it affects a failure to stop~~
39 ~~and submit to inspection of equipment or for an unsafe condition~~
40 ~~endangering a person, shall be punished as follows:~~

1 (a) By a fine not exceeding fifty dollars (\$50) or imprisonment
2 in the county jail not exceeding five days.

3 (b) For a second conviction within a period of one year, a fine
4 not exceeding one hundred dollars (\$100) or imprisonment in the
5 county jail not exceeding 10 days, or both that fine and
6 imprisonment.

7 (c) For a third or a subsequent conviction within a period of
8 one year, a fine not exceeding five hundred dollars (\$500) or
9 imprisonment in the county jail not exceeding six months, or both
10 that fine and imprisonment.

11 SEC. 6. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the
16 penalty for a crime or infraction, within the meaning of Section
17 17556 of the Government Code, or changes the definition of a
18 crime within the meaning of Section 6 of Article XIII B of the
19 California Constitution.

20 SECTION 1. ~~Section 2900 of the Vehicle Code is amended to~~
21 ~~read:~~

22 ~~2900. There is in this state, the California Traffic Safety~~
23 ~~Program, that consists of a comprehensive plan in conformity~~
24 ~~with the laws of this state to reduce traffic accidents and deaths,~~
25 ~~injuries, and property damage resulting from accidents. The~~
26 ~~program shall include, but not be limited to, provisions to~~
27 ~~improve driver performance, including, but not limited to, driver~~
28 ~~education, driver testing to determine proficiency to operate~~
29 ~~motor vehicles, and driver examinations and driver licensing, and~~
30 ~~provisions to improve bicyclist and pedestrian education and~~
31 ~~performance. In addition, the program shall include, but not be~~
32 ~~limited to, provisions for an effective record system of accidents,~~
33 ~~including injuries and deaths resulting from accidents; accident~~
34 ~~investigations to determine the probable causes of accidents,~~
35 ~~injuries, and deaths; vehicle registration, operation, and~~
36 ~~inspection; highway design and maintenance including lighting,~~
37 ~~markings, and surface treatment; traffic control; vehicle codes~~
38 ~~and laws; surveillance of traffic for identification and correction~~

1 of high or potentially high accident locations; and emergency
2 services.

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